

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

VIVIAN RANKIN,

Plaintiff,

v.

ASHRO, INC.

Defendant.

Case No.: 15-453

NOTICE OF REMOVAL

Class Action Complaint

Franklin County Court of Common Pleas,
Case No. 14CV013601

PLEASE TAKE NOTICE that Defendant Ashro, Inc. (“Ashro”) hereby removes this action from the Franklin County Court of Common Pleas to the United States District Court for the Southern District of Ohio, Eastern Division, under 28 U.S.C. §§ 1331, 1367, and 1441 (Federal Question and Supplemental Jurisdiction). Removal is proper based on the following:

I. This Court Has Subject Matter Jurisdiction Under 28 U.S.C. §§ 1331, 1367, and 1441.

1. On or about December 30, 2014, Plaintiff Vivian Rankin (“Plaintiff”) filed a class action complaint in the Franklin County Court of Common Pleas titled *Vivian Rankin v. Ashro*, Case No. 14CV013601.

2. Plaintiff’s Complaint alleges that Ashro sold Plaintiff merchandise and ultimately made phone calls to Plaintiff’s cell phone regarding collection of payment. Based on these allegations, Plaintiff asserts that Ashro engaged in: (1) violations of the Ohio Consumer Sales Practices Act (“OCSA”), O.R.C. § 1345.02, and the Ohio Administrative Code, O.A.C. § 109; (2) violations of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*; and (3) invasion of privacy by intrusion upon seclusion.

3. Because Plaintiff’s TCPA claims arise under the laws of the United States, *see* 47

U.S.C. § 227 *et seq.*, this Court has original jurisdiction over these claims under 28 U.S.C. § 1331, and Ashro may remove these claims to this Court under 28 U.S.C. § 1441(a).

4. This Court has supplemental jurisdiction over Plaintiff's OCSPA and state common law claims because these claims arise from the same operative facts relating to Ashro's alleged practices under the TCPA. Accordingly, Plaintiff's OCSPA and state common law claims are related to Plaintiff's federal question claims, and thereby form a part of the same case and controversy under 28 U.S.C. § 1367(a).

II. The Procedural Requirements For Removal Are Satisfied.

5. On January 5, 2015, Ashro was served with a copy of the Complaint and Summons. This Notice of Removal is therefore timely under 28 U.S.C. § 1446(b).

6. Copies of all process, pleadings, and orders served upon Ashro in this action have been filed as attachments to this Notice of Removal.

7. Ashro is the only named defendant in this action. Accordingly, consent from other parties for removal is not required.

8. Under Local Rule 82.1, the United States District Court for the Southern District of Ohio, Eastern Division, is the proper division to which this matter should be assigned because Plaintiff filed suit in Franklin County, Ohio. Venue is thus proper in the United States District Court for the Southern District of Ohio, Eastern Division, because it is the "district and division embracing the place where such action is pending." 28 U.S.C. § 1441(a).

9. Ashro has made no previous request for the relief requested herein.

10. In accordance with 28 U.S.C. § 1446(d), Ashro will serve on Plaintiff a notice of filing of this Notice of Removal, attaching a copy of this Notice of Removal, and will file the same with the Franklin County Court of Common Pleas.

11. WHEREFORE, Ashro files this Notice of Removal of this action from the Franklin County Court of Common Pleas, in which it is now pending, to the United States District Court for the Southern District of Ohio, Eastern Division, located at Joseph P. Kinneary United States Courthouse, Room 121, 85 Marconi Boulevard, Columbus, Ohio 43215.

12. WHEREFORE, Ashro prays that this action be removed from the Franklin County Court of Common Pleas to the United States District Court for the Southern District of Ohio, Eastern Division.

Respectfully submitted,

REED SMITH LLP

By: /s/ K. Issac deVyver
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Counsel for Defendant Ashro, Inc.

Dated: February 2, 2015

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 2nd day of February, 2015, I caused to be served via ECF and overnight mail a true and correct copy of the foregoing Notice of Removal on the following:

Marc E. Dann
Grace M. Doberdruk
Samuel T. O'Leary
THE DANN LAW FIRM
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Counsel for Plaintiff Vivian Rankin

Franklin County Clerk of Courts
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/s/ K. Issac deVyver
K. Issac deVyver